

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DORIS SIMS AND SUCCESSION	§	
BUILDERS, LLC	§	
Plaintiffs,	§	
	§	
V.	§	CAUSE NO. 4:09CV372
	§	
MATTHEW GAY AND	§	
BUILDING TOMORROW'S	§	
TALENT, LLC	§	
Defendants.	§	

**MEMORANDUM ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 28, 2011, the Magistrate Judge entered a report finding that there is no subject matter jurisdiction over Plaintiffs' claims here and recommending that the stay in this matter should be lifted, the matter should be dismissed, and, in light of this dismissal, Plaintiffs' Motion to Retain Case, Lift Arbitration Stay Order and Recuse Arbitration (Dkt. 43), Plaintiffs' Motion to Vacate Arbitration Award (Dkt. 46), and Plaintiffs' Emergency Application for Injunctive Relief (Dkt. 51) should be DENIED as MOOT.

The court, having made a *de novo* review of the objections raised by Plaintiffs, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate

Judge as the findings and conclusions of this court.

The stay in this matter is hereby lifted, Plaintiffs' Motion to Retain Case, Lift Arbitration Stay Order and Recuse Arbitration (Dkt. 43), Plaintiffs' Motion to Vacate Arbitration Award (Dkt. 46), and Plaintiffs' Emergency Application for Injunctive Relief (Dkt. 51) are DENIED as MOOT, and the matter shall be dismissed for lack of jurisdiction.

IT IS SO ORDERED.

SIGNED this the 29th day of September, 2011.


RICHARD A. SCELL
UNITED STATES DISTRICT JUDGE